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## WYOMING BUSINESS REPORT

# Wyo. takes over EPA's Pavillion investigation

By Mark Wilcox

**June 21, 2013** -- The U.S. Environmental Protection Agency yesterday backed away from an ongoing investigation possibly linking hydraulic fracturing to groundwater contamination in Pavillion, handing the reins over to the Cowboy State.

The EPA spun the announcement as a move supportive of the state government's efforts to investigate allegations that fracking ruined drinking water for some Pavillion residents and annihilated property values in the process.

"While EPA stands behind its work and data, the agency recognizes the state of Wyoming's commitment to further investigation and efforts to provide clean water and does not plan to finalize or seek peer review of its draft Pavillion groundwater report released in December 2011," an EPA statement said.

This comes after what amounted to a delay tactic in January of extending public comment on the two-year-old data report. It had similarly extended the deadline in October 2012 through mid-January.

"In light of this announcement, we believe that EPA's focus going forward should be on using our resources to support Wyoming's efforts, which will build on EPA's monitoring results," said EPA Acting Administrator Bob Perciasepe in a statement.

The state has largely been supportive of the oil and gas industry, even offering to pay \$750,000 for cisterns in Pavillion for affected residents, who industry continues to say weren't affected by fracking. The project should be finished soon. However, many have argued the initial EPA study was based on flawed science.

"It is in everyone's best interest - particularly the citizens who live outside of Pavillion - that

Wyoming and the EPA reach an unbiased, scientifically supportable conclusion," Gov. Matt Mead said in a release. "I commend the EPA and Encana for working with me to chart a positive course for this investigation. I commit that Wyoming will work in a thoughtful and productive manner as further investigation is initiated."

Meanwhile, many have stepped forward to denounce the state's efforts, saying a state government supported mostly by energy shouldn't be the one to conduct an investigation into industry activities.

"We went to EPA for help after the state of Wyoming and Encana refused to address the public-health impacts of unbridled development in the Pavillion area," said John Fenton, a Pavillion farmer who now chairs the Pavillion Area Concerned Citizens. He voiced disappointment that Pavillion residents didn't get any advance notice on "Mead's vague plan."

"Now Encana has bought its way back in and is working with the state on a strategy to cover up the mess they've created," he said.

Fenton was referring to a \$1.5 million contribution Encana made to the Wyoming Natural Resource Foundation "to be used for further investigation by the state of Wyoming and for a statewide education and awareness program through the Wyoming Association of Conservation Districts," according to Jeff Wojahn, president of Encana Oil and Gas (USA) Inc.

"This contribution from Encana will contribute greatly to our mission of supporting grassroots conservation efforts across Wyoming and specifically the water-quality work of the conservation districts," said Jack Berger, Wyoming Natural Resource Foundation board trustee in a statement.

Earthworks Energy Program Director Bruce Baizel said this is part of a greater effort to politically pressure the EPA to scale back on its "sound science that shows fracking-enabled oil and gas development is a risk to public health."

Others back up that voice, saying it's hard to trust a state government that seems to have thrown itself in with industry.

"Gov. Mead said earlier this week that change should be driven by elected officials and agencies, not the people," said Don Nelson, a farmer and rancher near Keene in western North Dakota, on behalf of the Western Organization of Resource Councils. "This attitude is exactly why those of us who have to live with drilling and fracking have so little confidence in our regulatory agencies and elected officials."

Some are concerned that peer-review efforts of EPA data will be thrown to the wind since EPA has backed off.

"The state of Wyoming is already on record, through action and inaction, as denying that Pavillion's groundwater contamination is a cause for concern," said area ag-producer Jeff Locker. "They are throwing out a conscientious science-based study by EPA that cost the taxpayers millions of dollars."

Wyoming intends to conclude its investigation, which will in part "further evaluate" 14 wells in Pavillion for "water quality and palatability concerns" and release a final report by September 30, 2014. But for Locker, that additional time seems unpalatable.

"It's hard to believe that they're trying to get to the bottom of the problem," he said. "They're hoping this whole thing just goes away."

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Loretta Lohman, Ph.D.  
Nonpoint Source Outreach Coordinator  
Colorado State University  
Colorado Water Institute  
3375 W. Aqueduct Avenue  
Littleton, CO 80123  
[lorettalohman@gmail.com](mailto:lorettalohman@gmail.com)  
[loretta.lohman@colostate.edu](mailto:loretta.lohman@colostate.edu)  
303-549-3063  
[www.npscolorado.com](http://www.npscolorado.com)

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